

**REMARKS**

**I. STATUS OF THE CLAIMS**

Claims 1-39 and 41-51 are pending. Claims 9-15, 24-29, 34-39, 41-47, and 50 have been withdrawn from consideration. The independent claims are 1, 9, 16, 24, 30, 34, 39, 44, 46, 48, 50 and 51.

Claims 1, 16, 18, 30, 48 and 51 have been amended. No new matter is believed to have been added. Proper support for the amendment of the claims can be found in the specification at least at page 5, lines 1-5 and 9-11.

**II. THE REJECTION OF CLAIMS 1-8, 16-23, 30-33, 48, 49 AND 51 UNDER 35 U.S.C. §112, FIRST PARAGRAPH, AS FAILING TO COMPLY WITH THE WRITTEN DESCRIPTION REQUIREMENT.**

Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that claims 1-8, 16-23, 30-33, 48-49 and 51 are enabled by the specification and therefore fully comply with the requirements of 35 U.S.C. § 112, first paragraph.

Nevertheless to better recite the present invention, Applicants have amended independent claims 1, 16, 30, 48 and 51.

The recitations of amended independent claims 1, 16, 30, 48 and 51 are supported by the specification, for example, at page 5, lines 9-11, which discloses that an AOB, in which no additional data to be reproduced in relation to an audio pack A\_PCK exist, has an RTI pack RTI\_PCK. Further support for these recitations is found in FIGS. 1 and 2 of the present application.

Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. § 112, first paragraph, of claims 1, 16, 30, 48 and 51 is improper and should be withdrawn.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 2-8, 17-23, 31-33, and 49 under 35 U.S.C. §112, first paragraph should be withdrawn at least because of their dependence from claims 1, 16, 30, 48, and 51, and the reasons set forth above.

III. THE REJECTION OF CLAIMS 1-7, 16-22, 48 AND 49 UNDER 35 U.S.C. §102(e) AS BEING ANTICIPATED BY TANAKA

Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1, as amended, recites a recording medium including amongst other novel features, **data packs** designated to store additional data related to the audio data, each of the data packs being recorded **in predetermined locations** in corresponding ones of the recording units of the audio data, the predetermined locations being a same position in each of the recording units relative to a beginning of the recording unit and the **data packs** being **placed in the predetermined locations independent of whether the data packs include the additional data**.

Independent claim 16, as amended, recites a data reproducing method, including amongst other novel features, reproducing the audio data and the additional data recorded in the read recording units, after relating the additional data to the audio data, the **additional data recorded in data packs and the data packs located at the predetermined location independent of whether the data packs include the additional data**.

Independent claim 48, as amended, recites a method of reproducing audio data, comprising amongst other novel features, demultiplexing the predetermined units to separate the audio data from data packs having the additional data based upon the data packs being in a predetermined location in the corresponding recording unit relative to a beginning of the recording unit, the **data pack being disposed in the predetermined location independent of whether the additional data is recorded in the data pack**.

Tanaka discloses a recording disc, including a sequence of packs containing control packs CONT, audio packs A, audio control packs A-CONT, and video packs V. Each VCB unit VCBU has a set of successive packs and the total number of packs in one VCB unit VCBU is arbitrary. The first pack in each VCB unit VCBU is a control pack CONT. On the other hand, each ACB unit ACBU has a set of successive packs which corresponds to a time length. The total number of packs in one ACB unit ACBU is arbitrary. The first pack in each ACB unit is an audio control pack A-CONT. An audio control pack A-CONT in ACB unit ACBU is located at a place corresponding to a third pack in a VCB unit VCBU (column 17, lines 22-37 and FIG. 13).

Accordingly, Tanaka discloses audio packs, video packs and control packs forming part of a video content block unit.

However, Tanaka fails to teach or suggest that the packs such as the control packs are located in predetermined locations, the data packs being placed in the predetermined locations independent of whether the data packs include the additional data, as recited in amended independent claim 1.

Tanaka also fails to teach or suggest that the data packs are located at the predetermined location independent of whether the data packs include the additional data, as recited in amendment independent claim 16.

Tanaka also fails to teach or suggest that the data pack is disposed in the predetermined location independent of whether the additional data is recorded in the data pack, as recited in amended independent claim 48.

Accordingly, Applicants respectfully assert that the rejection of independent claims 1, 16 and 48 under 35 U.S.C. § 102(e) should be withdrawn, because Tanaka fails to teach or suggest each feature of independent claims 1, 16 and 48, as amended.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 2-7, 17-22, and 49 under 35 U.S.C. § 102(e) should be withdrawn at least because of their dependence from claims 1, 16, and 48, and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 2-7, 17-22, and 49 also distinguish over the prior art.

#### IV. THE REJECTION OF CLAIMS 8, 23, 30-33 AND 51 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER TANAKA IN VIEW OF EMA

Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 30 recites an apparatus for reproducing data from a recording medium, comprising amongst other novel features, an RTI signal processor decoding the RTI pack demultiplexed by the demultiplexer to output additional data stored in the RTI pack in relation to the audio data from the audio pack, wherein the **RTI pack is located in the predetermined location independent of whether the RTI pack includes the additional data.**

Independent claim 51 recites a reproducing apparatus for reproducing data from a recording medium, wherein the recording medium has recording units each having audio packs and real-time text information (RTI) packs disposed at predetermined locations in each of the recording units, the RTI packs being disposed in the predetermined locations independent of whether additional data is recorded in the RTI packs.

As noted above, Tanaka fails to teach or suggest data packs disposed or located at predetermined locations independent of whether the data packs include the additional data.

Ema discloses a recording medium 200 in which an audio zone includes cells 200. Each cell 220 includes only audio packs 230 and/or audio packs 230 and real time information (RTI) packs 231 as shown in FIG. 1.

Accordingly, although Ema discloses audio packs and RTI packs, Ema is silent with respect to the RTI packs being disposed at predetermined locations independent of whether the RTI packs have additional data recorded in them.

Therefore, Ema fails to cure the deficiencies of Tanaka.

Accordingly, Applicants respectfully assert that the rejection of independent claims 30 and 51 under 35 U.S.C. §103(a) should be withdrawn, because neither Tanaka nor Ema, whether taken singly or combined teach or suggest each feature of independent claims 30 and 51, as amended.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 8, 23 and 31-33 under 35 U.S.C. § 102(e) should be withdrawn at least because of their dependence from claims 1, 16 and 30, and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 8, 23 and 31-33 also distinguish over the prior art.

## V. CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney

for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 9/23/05

By: Douglas X. Rodriguez  
Douglas X. Rodriguez  
Registration No. 47,269

1400 Eye Street, NW  
Suite 300  
Washington, DC 20005  
Phone: (202)216-9505  
Facsimile: (202)216-9510